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June 3, 2005

Director, U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: AB85.comments@uspto.gov

Re: Comments Relating to Proposed Rules Docket No. 2005-P-053

Sir:

Please consider the following comments relating to the April 7, 2005, proposed Rules entitled "Provisions for Persons Granted Limited Recognition to Prosecute Patent Applications and Other Miscellaneous Matters."

As a general matter, the proposed rules appear to be carefully thought out and well drafted. However, I believe that there are certain issues raised in the proposed rules that would benefit from clarification either in the Rules themselves or in the commentary accompanying the final Rules. Specifically, I believe that the proposed rules could be improved with respect to the following two matters.

(1) Rule 1.78(a)(5)(iv), relating to the requirement that an English translation of a provisional application and a statement that the translation is accurate be filed in the provisional application.

As proposed, Rule 78(a)(5)(iv) does not clearly confirm that the translation and statement can be filed in the provisional application before or after abandonment of that application. In most situations, a non-provisional application claiming benefit of an earlier filed provisional application is filed near the one-year anniversary date of filing of the provisional application, and sometimes itself not in the English language. In such cases, the translation and statement related to the provisional application would likely not be prepared and filed until after the abandonment of the provisional application.

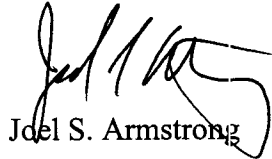
Although proposed Rule 78(a)(5)(iv) can be read to allow filing of the translation and statement in an abandoned provisional application, and this is implied by the Rule commentary, it would be helpful if the Rule or commentary confirmed this matter.

(2) Rule 3.73(b)(1)(i), relating to the requirement that assignment documents submitted with a §3.73(b) statement must be accompanied by a statement that the documents were submitted for recordation pursuant to §3.11.

As proposed, Rule 3.73(b)(1)(i) states that when assignment documents are submitted with a §3.73(b) statement to establish ownership by an assignee or assignees, the §3.73(b) statement must also be accompanied by a statement that the documentary evidence "was" submitted for recordation pursuant to §3.11. However, this Rule could be read to require that the documentary evidence be submitted for recordation prior to submission of the §3.73(b) statement, rather than concurrent with the §3.73(b) statement.

A better rule would state that the §3.73(b) statement must also be accompanied by a statement that the documentary evidence "was or concurrently is being" submitted for recordation pursuant to §3.11. This would clarify that the §3.73(b) statement and the recordation under §3.11 can be filed on the same date.

Respectfully submitted,



Joel S. Armstrong

JSA:hs